

Danner, Ward

From: Huetteman, Tom
Sent: Monday, March 09, 2015 3:35 PM
To: Scott, Jeff; Zito, Kelly; Blumenfeld, Jared; Maier, Brent; Keener, Bill
Cc: Armann, Steve
Subject: FW: America Unites Outreach to Senator Boxer

FYI forwarded from LA Unified School District

-----Original Message-----

From: Bakke, Eric [mailto:eric.bakke@lausd.net]
Sent: Monday, March 09, 2015 2:51 PM
To: Huetteman, Tom; Grant Cope (grant.cope@calepa.ca.gov); Brooks Allen (ballen@cde.ca.gov)
Cc: Laura Preston
Subject: America Unites Outreach

FYI - below is an outreach email from America Unites to the President and others in DC.

From: Jennifer deNicola <jen@americaunites.com> [Add to Address Book]
To: Laura Schiller <Laura_Schiller@boxer.senate.gov>, Kristin Gillibrand <invite@gillibrand.senate.gov>, Bettina Poirier <Bettina_poirier@epw.senate.gov>, Grant Cope <Grant_cope@epw.senate.gov>
Cc: President Obama <president@whitehouse.gov>, Gavin Newsom <g.newsom67@gmail.com>, Mark Pletcher <mark.pletcher@usdoj.gov>, Christopher.Hall@usdoj.gov, tony.coppolino@usdog.gov, richard.goldberg@usdoj.gov
Subject: EPA R9's failure to protect and enforce the TSCA law: It's time to help schoolchildren
Date: Mar 9, 2015 2:15 AM
Honorable Senator Boxer:

Over 7 months ago, the EPA regional administer sent you the message regarding PCBs in Malibu schools. What he failed to tell you is that the Santa Monica-Malibu Unified School District (SMMUSD) hired high priced lawyers experienced in corporate pollution to navigate around TSCA, and so far, \$4 million dollars of money earmarked for children's education has been spent to avoid proper testing and removal and not even one ounce of PCB caulking has been removed. Recently we received quotes from East coast remediation experts with successful track history in school PCB remediation. This revealed that testing and removal would have cost \$625,000-\$900,000. Which would you rather spend to fix a problem \$1 million of \$4 million?

Region 9 (R9) has acted outside its enforcement of TSCA, been inconsistent with its application of Federal regulation and caved to special interests looking to manipulate interpretation of Federal law. R9 even removed their regular PCB coordinator from our case just after we spoke to her and she explained the detailed compliance that the district would be expected to perform. She no longer is involved in PCBs in schools but continues to vigorously enforce TSCA as she has always done and requires a high level of cleanup when industry reports PCBs, even where there is little chance of human exposure (like an unoccupied basement).

California State environmental agencies have been more protective and responsive than R9 to PCBs found in our school's caulking, air, dust and soil (see map of contamination below). When PCBs were found in the soil over EPA Regional Screening Levels, the state agencies believed the source of PCB contamination is the building materials, but R9 refused to identify the source. R9 even sent emails attempting to persuade the state agency to NOT remove the soil despite it being over limits set in TSCA but the state agency put the protection of students health above the political agenda of R9 and removed the soil.

EPA R9 has failed to follow through with the plan they told you they were implementing at Malibu. Jared Blumenfeld's letter to you that stated if air and dust screening came back high, then source identification would occur. R9 has not just ignored their own policy but they have even recommended that the school district not test anymore caulking, even after finding PCBs in the air, dust and soil over screening levels. R9 keeps making excuses to allow the school district to avoid characterizing the nature and extent of PCB contamination throughout the school even after being presented 17 rooms of contamination up to 370,000ppm, and levels of congener 126 at 3 million times EPA's screening levels.

The law is clear that PCB removal within 1 year is required. Instead, for the past 1.5 years, the Santa Monica-Malibu Unified School District has been using wet rags to remove dust as the only protection/remediation for PCBs. This neither addresses all exposure pathways nor meets the one year removal stipulation. R9 fully knows air testing and dust testing will never trigger TSCA and was designed to be used after PCB removal to confirm PCBs were properly removed and no contamination is left behind, not as a remediation tool to keep illegal PCBs in place and yet this is what they are recommending. Shame on R9 for teaching and allowing our school district to evade the law and putting students in harms way of long term exposure to high levels of PCBs with no real remediation for the entire campus. And shame on our school district.

Are Malibu schools not getting cleaned up because of our location and the income of children's parents and the many lobbyist advocating for their own special interests?

Legislative Advocate for the Association of California School Administrators wrote to Jared Blumenfeld:

"The issue in Malibu is particularly concerning to us since any preferential treatment to the community of Malibu will give the appearance that an affluent largely white community will receive preferential treatment. This can easily become a civil rights issue for all of us."

Does the income of a child's parents or the color of a child's skin determine his or her protection under the Toxic Substance Control Act (TSCA)?

The benefit to removing PCBs from our nation's schools should not be measured by cost. With a solid plan, all schools can expeditiously comply with law, protect human health and the environment, and also stimulate the economy in efforts to ensure Environmental Health Excellence in our nation's schools.

Please do not put a price tag on children's lives. Their right to an education free from PCBs is penned into Federal law. It is the moral obligation of you and the leaders of this great nation to protect the children of America and our nation's future. We have attached a link to illustrate the confident stand NYC elected officials took to protect the safety of children in schools. Please read what the judge said regarding PCBs. <http://nadler.house.gov/press-release/nadler-applauds-judge's-ruling-school-pcb-remediation-lawsuit>

We are counting on you. We are requesting a meeting with you. Please let us know your next available date. Time is of the essence as everyday children are unnecessarily sitting in highly toxic classrooms. This does not need to occur, we can fix this now.

Respectfully,

Jennifer deNicola on behalf of America Unites for Kids

President of America Unites for Kids

www.AmericaUnites.com

Malibu Unites

Office 310-436-6000

jen@AmericaUnites.com

Direct: 310-436-6001

Like Us on Facebook

Follow Us on Twitter

"Children's right to education excellence includes the freedom to learn in an environment that does not jeopardize their health"